

In the United States Patent and Trademark Office#9/BM
3-3-03

Applicants: Mark A. Burazin et al.
Serial No.: 10/015,859
Filed: November 2, 2001
For: FABRIC COMPRISING NONWOVEN
ELEMENTS FOR USE IN THE
MANUFACTURE OF TISSUE PRODUCTS
HAVING VISUALLY DISCERNABLE
BACKGROUND TEXTURE REGIONS
BORDERED BY CURVILINEAR
DECORATIVE ELEMENTS AND METHOD
THEREOF

Docket No.: 14,923D
Group: 1731
Examiner: E. Hug
Date: February 27, 2003

Amendment

ASSISTANT COMMISSIONER FOR PATENTS
Washington, D.C. 20231

Sir:

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FEB 28 2003
GROUP 1700

This Amendment is being filed in response to the Office Action mailed November 29, 2002
(Paper No. 6).

Remarks

The application now contains Claims 1 - 45. Reconsideration of the present application in view of the following remarks is respectfully requested.

A. Objection To The Drawings

The drawings were objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference signs mentioned in the description:

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27 – absorbent tissue product

145 – primary pattern

64 – circular primary pattern.

Applicants submit that the objection to the drawings should be withdrawn because Figures 10 and 11 have been amended to show the curvilinear primary pattern 64 with the elevated transition region as supported in the specification at page 38, line 18 to page 41, line 9; Figure 25 has been amended to show the primary pattern 145 with the elevated transition region 62 as supported in the specification at page 52, lines 11 - 24; and, Figures 27, 29, and 30 have been amended to show the absorbent tissue product 27 as supported in the specification at page 54, line 7 to page 56, line 19. Circle-marked copies of the Figures 10, 11, 25, 27, 29, and 30 have been attached to this response.

The drawings were objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "44a" and "44b" have both been used to designate the same upper warp in Figure 8. Applicants submit that the objection to the drawings should be withdrawn because Figure 8 has been corrected to show the proper location of "44b" as supported in the specification at page 22, line 4 to page 27, line 11. A circle-marked copy of Figure 8 has been attached to this response.

The drawings were objected to because Figure 9 failed to show the contrast between the white floats and the gray intermediate knuckles and shutes as described in the specification on page 27. Applicants submit that the objection to the drawings should be withdrawn because the original Figure 9 clearly shows the contrast between the white floats and the gray intermediate knuckles and shutes.

B. Objection To The Specification

The specification was objected to because of the informality wherein the paragraph on page 11, lines 4 - 12, the sentence beginning "In the production of endless fabrics, the normal orientation of warps and shutes, according to common weaving terminology, is reversed" as not being a factual statement. Applicants are attaching pages 38 and 39 of the *Paper Machine*

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Clothing by Sabit Adanur (Lancaster, Pennsylvania: Technomic Publishing Company, 1997). Figures 2 and 3 on page 39 of the *Paper Machine Clothing* show that the warps on the loom become machine direction strands on a conventional seamed fabric (such as a flat woven fabric) as installed on a papermachine. In addition, the warps on the loom become the cross direction strands on an endless fabric. In view of these remarks, Applicants believe the specification is correct and that the objection should be withdrawn.

C. Rejection Of Claims 23, 42, and 43 Under 35 U.S.C. § 112

Claims 23, 42, and 43 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Examiner stated that Claim 23 includes the phrase "wherein the transition region is filled" is undefined. The Examiner stated that it was uncertain what is meant by "filled". A definition of "filled" is provided on page 10, beginning at line 28:

As used herein, a "filled" transition region is defined as a transition region where the space between the floats in the transition region is partially or completely filled with material, raising the height in the transition area. The filling material may be porous. The filling material may be any of the materials discussed hereinafter for use in the construction of fabrics. The filling material may be substantially deformable, as measured by High Pressure Compressive Compliance (defined hereinafter).

The Examiner stated that Claims 42 and 43, which Applicants was meant to read as Claims 31 and 63, include the phrase "non-macroscopically monoplanar" and "macroscopically monoplanar", respectively, which is undefined. The Examiner stated that it uncertain what feature of the fabric structure is considered to be non-macroscopically monoplanar and macroscopically monoplanar. Applicants point out that the term "macroscopically monoplanar" is a term commonly used in the art referring to papermaking fabrics having elevated regions at a uniform height suitable for imprinting operations, in which a tissue web on an imprinting fabric is pressed by a roll against a Yankee dryer to impart a pattern of densified regions. Such an imprinting process uses a fabric with raised elements at uniform height in order for the imprinting nip to function properly. Thus, the imprinting papermaking fabric generally has a pattern of elevated regions at substantially the same height for this operation. Since the most elevated regions lie in a single plane across the

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fabric at a macroscopic scale, the term "macroscopically monoplanar" is commonly applied in describing the imprinting papermaking fabric. When a papermaking fabric is not macroscopically monoplanar, most of the elevated regions defining the pattern of the papermaking fabric may lie at an arbitrary variety of heights. See also U.S. Patent No. 4,529,480 issued on July 16, 1985, incorporated by reference in the present application.

In view of the foregoing remarks, Applicants believe the rejections should be withdrawn.

D. Allowable Subject Matter

Claims 1 - 22, 24 - 41, 44, and 45 were indicated to be allowable.

E. Conclusion

The application now contains Claims 1 - 45 which are believed to be in condition for allowance. Applicants would like to thank the Examiner for the careful attention paid to the present application. Early allowance of the claims in view of the above remarks is earnestly requested.

Please charge any prosecutorial fees which are due to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875.

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The undersigned may be reached at: (920) 721-7671.

Respectfully submitted,

BURAZIN ET AL.

By: 

Patricia A. Charlier
Registration No.: 38,840
Attorney for Applicants

CERTIFICATE OF FACSIMILE TRANSMISSION

I, Mary L. Roberts, hereby certify that on February 27, 2003 this document is being sent by facsimile transmission to the Assistant Commissioner for Patents, Washington, D.C. via RightFax number (703) 872-9310

By: 

Mary L. Roberts

**Kimberly-Clark****Patricia A. Charlier**
Senior Patent Attorney

KC North

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	Name	Company	Fax Number
To:	Examiner E. Hug	USPTO	(703) 872-9310
Subject:	U.S. Serial No. 10/015,859 filed November 2, 2001 by Mark A. Burazin et al. K-C Docket No. 14,923D; Amendment; Reference Figures 1B & 9; Marked Up Figures 10, 11, 25, 27, 29, 30 & 8; New Figures 10, 11, 25, 27, 29, 30 & 8 Incorporating Changes Made Fabric Comprising Nonwoven Elements For Use In The Manufacture Of Tissue Products Having Visually Discernable Background Texture Regions Bordered By Curvilinear Decorative Elements and Method Thereof		

From:	Patricia A. Charlier	Page:	1 of 25
Dept:	Legal Department	Date:	January 24, 2003
Loc:	KC North	Time:	2:12 PM

**Amendment Under 37 CFR §1.111
Examining Group 1731****CERTIFICATION OF FACSIMILE TRANSMISSION**

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Amendment Transmittal Letter

ASSISTANT COMMISSIONER FOR PATENTS
Washington, D.C. 20231

Sir:

Transmitted herewith is an amendment in the above-identified patent application. The non-small entity fee has been calculated in accordance with 37 C.F.R. 1.16 (b), (c) and (d) as follows:

Claims As Amended

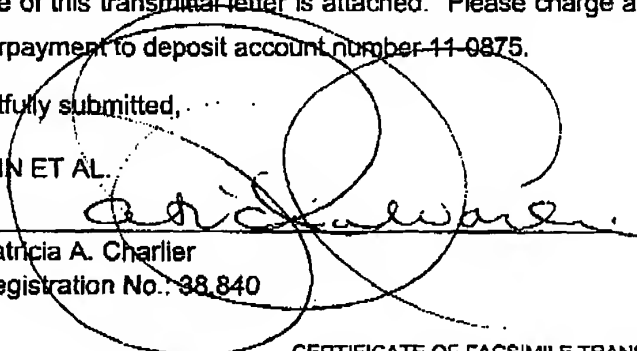
	Claims Remaining After Amendment		Highest Number Previously Paid For		Present Extra	Rate	Additional Fee
Total	45	Minus	45	=	0	x 18 =	\$0.00
Indep.	1	Minus	1	=	0	x 84 =	\$0.00
	First Presentation of Multiple Dep. Claim					+ 280 =	\$0.00
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT							\$0.00

Please charge the above amount to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875. A duplicate of this transmittal letter is attached. Please charge any additional fees which are due or credit any overpayment to deposit account number 11-0875.

Respectfully submitted,

BURAZIN ET AL.

By:


 Patricia A. Charlier
 Registration No.: 98,840

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